(18) (19)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2213 of 2006

Petitioners :

1. Ku. Emelda Xaxa D/o Simon Aged about 53 yrs, Assistant Teacher
2. Ku. Alisa Lakra D/o Bhudhram Aged about 49 yrs, Assistant Teacher
3. Ku. Alexsia Minj D/o Johan Aged about 56 yrs, Assistant Teacher
4. Smt. Vincentia Tigga w/o Alexsiyus Aged about 51 yrs, Assistant Teacher
5. Smt. Lusela Lakra W/o Makarius Aged about 51 yrs, Assistant Teacher
6. Smt. Shanti Kujur W/o Stanilas Aged about 56 yrs, Assistant Teacher

All are working at & Address as :-
Dibya Bandana Girls Middle School
Jokbahala Distt. Jashpur (C.G.)

Versus

Respondents :

1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan, Raipur (C.G.)
2. The Director, Directorates of Public Instruction, Pension Bada Raipur (C.G.)
3. The District Education Officer Public Instructions Jashpur (C.G.)
4. The Chairman / Manager, Dibya Bandana Girls Primary School Jokbahala, Christian Peoples Committee Jokbahala Distt. Jashpur (C.G.)

SB: Hon'ble Justice Shri Satish K. Agnihotri

Present: Mr. N. Malviya, counsel for the petitioners.
Ms. Deepali Pandey, Panel lawyer for the respondents/State

ORDER

(Passed on this 12th day of April, 2007)

1. The question of law involved herein is whether the non-teaching staff working in Government aided school are entitled to the benefit of recommendations of the Fifth Pay Commission under the provisions of the Madhya Pradesh Ashaskiya Sikshan Sanstha (Adhyapakon Tatha Anya Karmchariyon Ke Vetano Ka Sandaya) Adhiniyam, 1978 (henceforth 'the

Adhiniyam, 1978') and the rules made thereunder read with the Madhya Pradesh Revision of Pay Rules, 1988 (henceforth 'the Pay Rules, 1988').

2. The identical question of law was considered by this Court in batch of matters i.e. Smt. A. Lall vs. State of Chhattisgarh and other connected matters (W.P. No. 4108 of 2005) and by judgment and order dated 6.2.2007, this Court held that the petitioners who are working in fully Government aided private schools are entitled to the revised pay-scales with effect from 1.1.1996 as prescribed under the Pay Rules, 1988. This Court further for the purpose of payment of arrears had granted certain direction.

3. Admittedly and jointly, it is submitted by the parties that this matter is squarely covered by the judgment and order dated 6.2.2007 passed by this Court in the case of Smt. A. Lall vs. State of Chhattisgarh and other connected matters (Supra).

4. As a result, for the reasons stated in the judgment and order dated 6.2.2007 passed in W.P. No. 4108 of 2005 (Smt. A. Lall vs. State of Chhattisgarh and other connected matters) (Supra). The writ petition is allowed in the same terms and conditions.

Sd/-
Satish K. Agnihotri
Judge

Thakur